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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2009-92*

13 DEBRA ANN LEWIS  
2905 Reunion Drive  
14 Violet, LA 70092

**A C C U S A T I O N**

15 Registered Nurse License No. 612819

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation  
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
22 ("Board"), Department of Consumer Affairs.

23 2. On or about January 30, 2003, the Board issued Registered Nurse License  
24 Number 612819 to Debra Ann Lewis ("Respondent"). Respondent's registered nurse license  
25 expired on February 28, 2007.

26 **STATUTORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 2750 provides, in  
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761, subdivision (a)(4), states that the Board may take disciplinary action against a certified or licensed nurse for unprofessional conduct, which includes, but is not limited to, denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

## Cost Recovery

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### CAUSE FOR DISCIPLINE

**(Disciplinary Actions by the Louisiana State Board of Nursing)**

7. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent was disciplined by the Louisiana State Board of Nursing (hereinafter “Louisiana Board”), as follows: On or about March 6, 2007, Respondent’s license to practice as a registered nurse in the State of Louisiana was summarily suspended. On March 14, 2007, the Louisiana Board ratified Respondent’s summary suspension. On or about December 19, 2007, pursuant to the Final Order in the disciplinary proceeding titled *In The Matter Of: Debra Ann Lewis*, the Louisiana Board

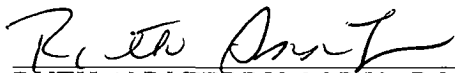
1 ordered that Respondent's registered nurse license shall remain suspended, and that Respondent  
2 may not request reinstatement of her license until she satisfies certain requirements. The  
3 Louisiana Board found that Respondent, while employed at Gulf States Long-Term Acute Care  
4 facility, Slidell Campus, violated LA R.S. 37:921 in that she failed to practice nursing in  
5 accordance with the legal standards of nursing practice, failed to utilize appropriate judgment,  
6 and demonstrated inappropriate, incomplete or improper documentation, said violations to be  
7 reported to the Healthcare Integrity and Protection Data Bank as narcotic administration  
8 irregularities and narcotic documentation discrepancies. A true and correct copy of the Final  
9 Order is attached as Exhibit "A" and incorporated herein by reference.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
12 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 13 1. Revoking or suspending Registered Nurse License Number 612819, issued  
14 to Debra Ann Lewis;
- 15 2. Ordering Debra Ann Lewis to pay the Board of Registered Nursing the  
16 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
17 Professions Code section 125.3;
- 18 3. Taking such other and further action as deemed necessary and proper.

19 DATED: 10/21/08.

20   
21 RUTH ANN TERRY, M.P.H., R.N.  
22 Executive Officer  
23 Board of Registered Nursing  
24 Department of Consumer Affairs  
25 State of California

26 Complainant

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**EXHIBIT A**  
**FINAL ORDER**

# Louisiana State Board of Nursing

17373 Perkins Road

Baton Rouge, LA 70810

Telephone: (225) 755-7500 Fax: (225) 755-7582

[www.lsbns.state.la.us](http://www.lsbns.state.la.us)

March 17, 2008

Dawn Kammerer  
Board of Registered Nursing  
P.O. Box 944210  
Sacramento, CA 94244-2100

STATE OF LOUISIANA

EAST BATON ROUGE PARISH

I, Barbara L. Morvant, Executive Director of the Louisiana State Board of Nursing, do hereby certify that I am Custodian of Records of the Board of Nursing and that the copy of the Final Order pertaining to the matter of **DEBRA ANN LEWIS, SS# 438-86-7297**, is a true and correct copy of said documents as they appear among the files and records of this office.

WITNESS by my hand and seal of the Board of Nursing this **March 17, 2008**.

LOUISIANA STATE BOARD OF NURSING

*Barbara L. Morvant, MN, RN*

BARBARA L. MORVANT, MN, RN  
EXECUTIVE DIRECTOR

BOARD SEAL

By

*Joy Peterson*

Joy Peterson, BSN, RN  
Regional Manager

Enclosures

BLM/JAP/vjw

**LOUISIANA STATE BOARD OF NURSING  
BATON ROUGE, LOUISIANA**

**IN THE MATTER OF:  
DEBRA ANN LEWIS  
2820 CONOR COURT  
RESPONDENT**

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**FINAL ORDER**

The Louisiana State Board of Nursing, having set a hearing to determine whether cause exists under LA R.S. 37:911 et seq., to revoke or suspend or otherwise discipline the license of **DEBRA ANN LEWIS**, held said hearing on December 18, 2007, pursuant to applicable Louisiana laws and regulations.

A quorum of the Board was present. Celia Cangelosi, attorney, represented the Board and served as counsel to the President. E. Wade Shows, attorney, served as prosecuting attorney for the Board. Respondent was present and was represented by counsel at this hearing.

Testimony and other evidence were received by the Board, and as a result thereof, the Board makes the following findings of fact and conclusions of law.

**FINDINGS OF FACT**

1. On August 9, 1994, Respondent was licensed by examination to practice as a Registered Nurse in Louisiana.
2. On March 6, 2007, Respondent's license was summarily suspended. Notice of summary suspension was mailed by Federal Express and by certified mail, return receipt requested, to Respondent's address of record. The certified returned receipt was signed on March 7, 2007. On March 14, 2007, the Board of Nursing ratified the summary suspension of March 6, 2007; notice of same was sent to Respondent's address of record.
3. On May 3, 2007, formal charges were filed against Respondent. Charges and notice of board hearing were sent by certified mail, return receipt requested, to Respondent's address of record. The returned receipt was signed on May 4, 2007. On June 1, 2007, final notice of board hearing date and time was sent by certified mail, return receipt requested, to Respondent's address of record. The Returned Receipt was signed on June 2, 2007.
4. On June 8, 2007, Respondent, through her attorney, requested a continuance of the scheduled Board Hearing. On June 11, 2007, a continuance was granted until the September 10-12, 2007, hearings; notice sent by certified mail, return receipt requested and the returned receipt was signed but not dated.
5. On August 30, 2007, notice of the September 2007 Board Hearing was sent by certified mail, return receipt requested; the returned receipts were signed on August 31, 2007, and September 5, 2007.
6. On September 6, 2007, Respondent, through her attorney, requested a second hearing continuance. On September 10, 2007, a continuance was granted until the December 10-12, 2007, hearings, and the returned receipt was signed on September 12, 2007.

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7. On September 20, 2007, notice of Board Hearing of December 10-12, 2007, was sent by certified mail, return receipt requested; the returned receipt was signed on September 24, 2007. On November 11, 2007, notice of change of date of the Board Hearings to December 17-19, 2007, and on November 7, 2007, notice of change of location were sent by certified mail/ return receipt requested. The returned receipts were signed on November 5, 2007, and November 8, 2007, respectively.
8. On November 15, 2007, the board office received Respondent's Response Form confirming attendance at the December Board Hearing and admitting to part of the allegations in the formal Complaint. On December 4, 2007, final notice of Board hearing with date and time of hearing was sent to Respondent's legal counsel by certified mail, return receipt requested. The returned receipt was signed on December 6, 2007.
9. On January 18, 2007, while Respondent was employed at Gulf States Long-term Acute Care facility, Slidell Campus, a call was made to the Director of Nursing by a staff physician regarding Respondent, who had worked the previous night shift of January 17-18, 2007. The physician advised that, on the previous night shift,
  - Respondent telephoned him requesting pain medication on patient #5 who was in a comatose state; and
  - Respondent called another time that night requesting pain medication on patient #6 who was not on any pain medications.
10. On December 6, 2006, for patient # 1, who had no documented need for increased pain medication prior to or subsequent to Respondent's shift, Respondent contacted the physician and received an order for Demerol 25 mg IV every 6 hours. Subsequently, Respondent:
  - At 9:02 p.m. removed a Demerol 25 mg vial and wasted said vial after documenting that administration was unsuccessful due to spray-back while Respondent was attempting to push it via the patient's PICC central line;
  - At 10:12 p.m. removed Demerol 25 mg and at 10:15 p.m. documented administration of the Demerol; and
  - At 3:44 a.m. on December 7, 2006, removed Demerol 25 mg and at 3:50 a.m. documented administration of the medication.
11. On December 14, 2006, for patient # 2, who had orders for Demerol 25 mg IVP every 4 hours PRN severe pain, Respondent requested and received orders to increase the amount of Demerol to 50 mg IV every 4 hours PRN pain and Fentanyl patch every three (3) days. The patient had not received Demerol during the previous 36 hours, Respondent administered Demerol six (6) times in a 32-hour period:
  - On December 14, 2006,
    - At 8:43 a.m. removed Demerol 25 mg and documented administration at 8:00 a.m., 43 minutes prior to the time that the medication was removed;

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- At 12:37 p.m. removed Demerol 50 mg and documented administration at 12:15 p.m., 22 minutes prior to the time that the medication was removed;
  - At 4:13 p.m. removed Demerol 50 mg and documented administration at 4:30 p.m.
- On December 15, 2006,
- At 8:10 a.m. removed Demerol 50 mg and documented administration at 8:10 a.m.
  - At 12:28 p.m. removed Demerol 50 mg and documented administration at 12:28 p.m.
  - At 4:17 removed Demerol 50 mg and documented administration at 4:20 p.m.
12. On the listed dates for patient # 3, who had orders for Lortab 10 mg PO every 4 hours PRN pain and Demerol 50 mg IM every 4 hours PRN pain, but who had infrequent need for IV Demerol, Respondent documented administration of Demerol six times in a 22 hours. The physician expressed concern about the amount of IV Demerol administered by Respondent just two days prior to patient's discharge when the patient's minimal pain had been well controlled by Lortab:
- On January 13, 2007,
- At 10:16 a.m. removed Demerol 50 mg and documented administration at 10:16 a.m.
  - At 2:36 p.m. removed Demerol 50 mg and documented administration at 2:36 p.m.
  - At 6:08 p.m. removed Demerol 50 mg and documented administration at 6:20 p.m.
- On January 14, 2007,
- At 7:58 a.m. removed Demerol 50 mg and documented administration at 7:58 a.m.
  - At 11:59 a.m. removed Demerol 50 mg and documented administration at 12:00 p.m.
  - At 3:59 p.m. removed Demerol 50 mg and documented administration at 4:00 p.m.
13. On January 17, 2007, for patient # 4, who had orders for Lortab 5 mg PO every 4 hours PRN pain and intravenous Morphine Sulfate (MS) 1 mg every 4 hours PRN pain.
- At 6:55 p.m. removed MS 4 mg, documented administration of MS 4 mg --- instead of the ordered dose of MS 1 mg --- at 7:00 p.m.;
  - At 10:26 p.m. removed Lortab 5 mg PO and documented administration at 10:00 p.m., 26 minutes prior to the time that the medication was removed; and
  - At 4:09 a.m. on January 18, 2007, removed MS 4 mg and documented administration of MS 4 mg --- instead of the ordered dose of MS 1 mg --- at 4:10 a.m.
14. On the night shift which began on January 17, 2007, for patient # 5, comatose with no previously documented need for pain medication, Respondent requested and received an order for intravenous MS.
- At 9:18 p.m. removed MS 4 mg and documented administration at 9:20 p.m.; and
  - At 1:27 a.m. on January 18, 2007, removed MS 4 mg and documented administration at 1:30 a.m. A subsequent drug test of a urine specimen of patient #5 collected on January 18, 2007, was negative for opiates.
15. On the night shift which began on January 17, 2007, for patient # 6, the respondent requested an order for pain medication, received an order for Lortab 10 mg per PEG tube every 4 hours PRN pain,



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and documented its administration twice during Respondent's shift:

- At 10:57 p.m. removed Lortab 10 mg and documented administration at 10:55 p.m.; and
- At 6:01 a.m. on January 18, 2007, removed Lortab 10 mg and documented administration at 5:30 a.m., 30 minutes prior to the time that the medication was removed.

A drug test of a urine specimen of patient #6 collected on January 18, 2007, and results were unreliable.

16. On May 23, 2007, the board office received Respondent's written statement addressing the charges. Also received was a letter of support from Respondent's former coworker.
17. On December 18, 2007, an administrative board hearing was held; the board members reviewed documentary evidence and heard the testimonial evidence.

**CONCLUSIONS OF LAW**

1. That pursuant to LA R.S. 37:911, et seq., the Louisiana State Board of Nursing has jurisdiction over this matter.
2. That Respondent was properly notified of the charges and date of hearing.
3. That based on the foregoing Findings of Fact, Respondent did violate LA R.S. 37:921 as set forth in the complaint as filed, including, but not limited to the following subsections:
  - Respondent failed to practice nursing in accordance with the legal standards of nursing practice; L.A.C. 46:XLVII.3405 (a);
  - Respondent failed to utilize appropriate judgment; L.A.C. 46:XLVII.3405 (c); and
  - Respondent demonstrated inappropriate, incomplete or improper documentation; L.A.C. 46:XLVII.3405 (q).
4. That the evidence presented constitutes sufficient cause pursuant to LA R.S. 37:921 to suspend Respondent's license to practice as a Registered Nurse in Louisiana. This is a public record and will be reported to the Healthcare Integrity and Protection Data Bank (**HIPDB**) as: **99 Other: Narcotic administration irregularities and narcotic documentation discrepancies.**

**HIPDB Narrative: After Respondent's license was Summarily Suspended for narcotic discrepancies and a Board hearing was held, the Board ordered continuance of license**

LOUISIANA STATE BOARD OF NURSING  
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FINAL ORDER

**suspension with eligibility to request reinstatement after submission to comprehensive evaluations and other stipulations.**

**ORDER**

In an open meeting of the Louisiana State Board of Nursing, on December 19, 2007, the following Order was rendered:

It is **ORDERED, ADJUDGED, AND DECREED** that the license of Respondent remain suspended and Respondent shall not be able to request license reinstatement until satisfaction of reinstatement application requirements and upon completion of the following:

1. Refrain from working in any capacity as a Registered Nurse. Failure to do so shall cause further disciplinary action and/or criminal charges.
2. Submit to a comprehensive **outpatient** psychiatric, psychological and substance abuse evaluation by a psychiatrist, clinical psychologist and addictionist who have been approved by the Board; Shall authorize and cause a written report of the said evaluation to be submitted to the Board; Shall include the entire evaluation report including diagnosis, course of treatment, prescribed or recommended treatment, prognosis, and professional opinion as to Respondent's capability of practicing nursing with reasonable skill and safety to patients.
3. Immediately submit to all recommendations thereafter of the therapist, physician, or treatment team, and cause to have submitted evidence of continued compliance with all recommendations by the respective professionals. This stipulation shall continue until the registrant is fully discharged by the respective professionals and until approved by the Board staff.
4. If the evaluations give any treatment recommendations or findings to warrant concern for patient safety, shall meet with Board or Board staff. Must demonstrate to the satisfaction of the Board that she poses no danger to the practice of nursing or to the public and that she can safely and competently perform the duties of a Registered Nurse.
5. If found to be chemically dependent, immediately sign an agreement with the Recovering Nurse Program, and cause to have submitted evidence of compliance with all program requirements for a minimum of 3 years.
6. Submit written evidence of completion of LSBN staff approved continuing education hours to include: ten (10) hours on legal aspects of nursing and ten (10) hours on documentation.
7. Not have any misconduct, criminal violations or convictions, or violations of any health care regulations reported to the Board related to this or any other incidents.

After completion of above-listed requirements, and if approved by the evaluator and Board staff, Respondent is eligible for reinstatement, with the following stipulations:

1. Within 12 months of license reinstatement, submit payment of \$300.00 to the Board as fine.

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2. Within 2 years, submit payment of \$4,800.00 as cost of Board Hearing.

A copy of this Final Order shall be served upon the respondent by certified mail, return receipt requested.

Entered this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**LOUISIANA STATE BOARD OF NURSING**

  
\_\_\_\_\_  
**Barbara L. Morvant, MN, RN  
Executive Director**